

# Ordinance No. 00371

[Council meeting minutes of Jan 18 2005](#)

Amended 1-08-05

## ORDINANCE NO. 371

AN ORDINANCE of the City Council of the City of Lakewood, Washington, authorizing increased fees for additional recycling services, amending chapter 13.06 of the Lakewood Municipal Code, specifically sections 13.06.010, 13.06.020, 13.06.030, 13.06.040, 13.06.050, 13.06.070, 13.06.080, 13.06.090 and 13.06.110, relating to the solid waste system of the City of Lakewood and modifying procedures to allow single stream recycling.

WHEREAS, the City has established a system for handling solid waste and recycling pursuant to its obligations to protect the public health, safety and welfare; and,

WHEREAS, the City has entered into an agreement for solid waste and recycling services with a private contractor in order to responsibly implement its system; and,

WHEREAS, through Ordinance No. 337, the City established operation standards and procedures for recycling collection services in February of 2004, such procedures now require updating to allow for single stream recycling as proposed by the contractor responsible for garbage and recycling services; and,

WHEREAS, while in time it is anticipated that single stream recycling will reduce the cost of garbage services for the citizens of the City of Lakewood by increasing the amount of materials recycled and decreasing the amount of refuse disposed of, to initiate this program each household or housing unit within the City of Lakewood shall necessarily pay an increase in fees not greater than \$1.67 per month as the cost of the increased services provided through single stream recycling.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN, as follows:

Section 1. That the contractor for the City is hereby authorized to charge additional fees for increased single stream recycling services as set forth in this section. The Washington State Utilities and Transportation Commission (WUTC) shall approve recycling rate increases for services throughout Pierce County, and the rate increase that citizens of the City of Lakewood shall pay will not exceed an increase of \$1.67 per household per month or any such lesser amount if the WUTC determines and approves a smaller increase in recycling rates for single stream recycling. The City Manager, pursuant to City of Lakewood Ordinance No. 259, is thereafter authorized to include these increased fees for increased recycling services and incorporate such fees into the rates and charges section of LMC 13.06.150.

Section 2. That section 13.06.010 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

### 13.6.010 - Definitions

For the purposes of this ordinance, certain words and phrases are defined as follows:

- A. "Alley" means a strip of land dedicated to public use for access to the rear of properties. Such alleys, to be used for the purpose of refuse collection, must be at least twenty feet wide and open to a public street at each end, or otherwise as approved by the public works director in accordance with the purposes of this Chapter.
- B. "Automated Carts" means a cart with a tight fitting lid designed to be picked up and emptied by mechanical means.
- C. "Automated Service" means garbage or recycling collection services where specific containers or carts are provided that are emptied into a garbage truck by mechanical means controlled by the operator ~~from within the truck~~.
- D. "Bale" means material compressed by machine and securely tarped or banded.
- E. "Bulk containerized services" means use of drop boxes in excess of ten cubic yards in size as approved by the public works director.
- F. "Bulky Materials" means empty carriers, cartons, boxes, crates, etc., or materials offered for disposal, all of which may be readily handled without shoveling.
- G. "Can" also referred to as a refuse container, means a can must be made of durable, corrosion-resistant, nonabsorbent material,

watertight, with a close fitting cover and two handles. Size to exceed 20 gallons but not to exceed 32 gallons or 4 cubic feet. A can cannot weigh more than 65 pounds when filled nor more than 12 pounds when empty.

H. "Cart" means a wheeled plastic container. If supplied by the customer, it must be compatible with the contractor's equipment. Cart may also be referred to as a toter. Size and type shall be as defined in the sections identifying rates.

I. "Charge" means a set flat fee for performing a service or the result of multiplying a rate for a unit times the number of units transported.

J. "City's Contractor" means the private company performing municipal Solid Waste collection and transportation services under written agreement with the City.

K. "Commercial account" means any group of dwelling units in excess of two, or places of business providing goods or services.

L. "Compacted Material" means material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the contractor.

M. "Compactor container" refers to use of bulk containerized service where garbage is mechanically compressed into a smaller volume with greater density.

N. "Compactor Disconnect/Reconnect Charge" means a flat fee established by the solid waste collection company for the service of disconnecting a compactor from a drop box or container prior to taking it to be dumped and then reconnecting the compactor when the drop box or container is returned to the customer's site.

O. "Container" means a detachable container which is left at a customer's premises and emptied into the contractor's truck and is lifted by mechanical means.

P. "Containerized service" means service and equipment approved by the public works director, wherein the contractor provides a vehicle equipped for mechanical handling of containers with casters up to ten cubic yards. Such containers shall be provided by the contractor.

Q. "Drop Box" means a container which is placed on the contractor's truck by mechanical means, hauled to a disposal site and returned to customer's premises.

R. "DRUM" means a metal container of approximately 50 gallon capacity, generally used for oils or solvents. Maximum weight not to exceed 75 pounds when filled.

S. "Garbage" means all accumulations of animal, fruit, or vegetable matter which attend the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruits, or vegetables and containers originally used for foodstuffs, yard debris such as tree limbs, grass clippings, leaves, weeds, etc. For the purposes hereof, the terms "garbage" and "refuse" shall be synonymous.

T. "Gate Charge" means a flat fee charged for opening, unlocking or closing gates in order to pickup solid waste.

U. "Licensed contractor" means a company licensed to commercially remove garbage within the City, and is also referred to at times in this Chapter as "licensee" or "contractor," and includes all employees.

V. "Litter Receptacle" means a container not over 60 gallon capacity generally placed in shopping centers and along streets or highways for litter. Maximum weight not to exceed 75 pounds when filled.

W. "Loose Material" means material not set out in bags or containers. Also includes materials which must be shoveled.

X. "Mini-Can" means a can made of durable, corrosion-resistant, nonabsorbent material, watertight with a close fitting cover. Size not to exceed 20 gallons, nor weight to exceed 35 pounds.

Y. "Nonconforming items" means all refuse items placed out for collection which do not constitute regular residential or commercial garbage and which by size, weight or unwieldiness pose increased difficulty for garbage collection services. Examples of such non-conforming items are large bulky items, including tree limbs and stumps over four inches in diameter, furniture and appliances, concrete, building materials, tires, etc.

Z. "Packer" means a device or vehicle specially designed to pack loose materials.

AA. "Pass through fees" are fees that are billed directly to the customer without markup or markdown by the solid waste collection company.

BB. "Permanent Service" is, in conjunction with containers and drop boxes, when service is provided for a period of more than ninety days.

CC. "Permittee" means a private company performing transportation that collects and transports Recyclables and all permittees must obtain a permit pursuant to Section 13.06.300 of this Chapter.

DD. "Rate" means a price per unit or per service. A rate is multiplied times the number of units transported, or the number of times a service is performed to determine a freight charge.

EE. "Recyclables" means only those materials that are source-separated from and uncontaminated by Solid Waste by the generator for transformation or remanufacturing into usable or marketable materials for use other than landfill disposal or incineration.

FF. "Recycling Cart Bin or Container" means a cart bin or container specifically designed or designated for collection of recyclables.

GG. "Residential account" means any dwelling unit or group of dwelling units not exceeding two in number, used exclusively as a place of residence.

HH. "Solid Waste" means all residential and nonresidential putrescible and nonputrescible solid and semisolid waste generated within the City, excluding Recyclables. Solid Waste includes, but is not limited to, garbage, refuse, rubbish, demolition and construction waste, recyclable materials collected from residential locations, and all residual waste remaining after recycling.

II. "Special Pickup" means a pickup requested by the customer at a time other than the regularly scheduled pickup time, but which does not involve the dispatch of a truck. If a special dispatch is required, time rates as shown in Section 13.06.170, Paragraphs I and J will apply.

JJ. "Temporary Service" means rates for temporary service apply only when service is required for a period of 90 days or less in conjunction with containers and drop boxes. Temporary service rates are not to be used for the first 90 days of service when the customer requests, and the carrier provides, service for more than 90 days.

KK. "Toter" is a wheeled plastic container. If supplied by the customer, it must be compatible with the contractor's equipment. May also be referred to as a cart. Type and size shall be as defined in the sections identifying rates.

LL. "Transporter" means a private, for-profit company offering services consisting of collection and/or transportation of Recyclables from generators within the City of Lakewood.

MM. "Trash" means weeds and grasses and waste materials except rocks, concrete, bricks, dirt, plaster and similar building materials.

II. "Unit" means a garbage or refuse receptacle described as follows:

- (1) a can made of durable, corrosion-resistant, nonabsorbent material, watertight, with a close fitting cover and two handles. Size to exceed 20 gallons but not to exceed 32 gallons or 4 cubic feet. Cannot weigh more than 65 pounds when filled or more than 12 pounds when empty.
- (2) Where agreeable between the contractor and a customer (and where allowable under local ordinance) a box, carton, cardboard barrel or other suitable container may be substituted for a garbage can, for single pickup which includes the container, if it meets the size and weight limits shown in paragraph (1) above.

NN. "Unlatching Charge" is another term for gate charge; a flat fee imposed by the contractor when its personnel must unlatch a gate or door to perform pickup service.

OO. "Unlocking Fee" means a flat fee imposed by the contractor when its personnel must unlock padlocks or other locking devices to perform pickup service.

PP. "Yardwaste CartBin or Container" means a cartbin or container specifically designed or designated for the collection of yardwaste. (Ord. 337 ? 2, 2004; Ord. 51 ? 1(part), 1996.)

Section 3. That section 13.06.020 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

#### 13.6.020 - Enforcement Authority

A. The City Manager or designee (hereinafter referred to as the "City") shall enforce the provisions of this Chapter and shall have the power to supervise the work performed by ~~a contractor~~ the City's Contractor to ensure that the collection, removal, and disposal of refuse Solid Waste is consistent with the provisions of this Chapter.

B. It is unlawful for anyone, except the following, to haul Solid Waste through the streets in the City:

1. The City's Contractor;
2. Citizens who self-haul Solid Waste originating within their own establishments; and
3. Businesses who, in their own vehicles, transport Solid Waste purely as an incidental adjunct to some other established private business owned or operated by them in good faith. This private-carrier exemption does not include persons transporting solid waste from residential sources, such as apartment houses or mobile home parks, in vehicles designed or used primarily for the transport of solid waste.

(Ord. 337 ? 3, 2004; Ord. 51 ? 1(part), 1996.)

Section 4. That section 13.06.030 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

#### 13.6.030 - Limitations of Service

A. The contractor may refuse to pick up materials from points where, because of the condition of the streets, alleys or roads, it is impracticable or dangerous to persons or property to operate vehicles.

B. The cContractor may refuse to drive into private property when, in the contractor's judgment, driveways or roads are improperly constructed or maintained or without adequate turn arounds or have other unsafe conditions.

C. The cContractor will not be required to enter private property to pickup material while an animal considered or feared to be vicious is loose. The customer will be required to confine the animal on pickup days.

D. The contractor's schedule will meet reasonable requirements, and shall comply with the local provisions hereof.

E. Garbage pickup may be missed due to weather or road conditions. If garbage is taken on the next pickup day, no credit will be given.

F. The contractor shall provide services in a reasonable manner, provided that neither the City nor the contractor shall be responsible for articles left on or near cans, units or other receptacles.

G. Where the contractor is requested to provide service, and damage occurs to a customer's driveway due to reasons not in the control of the contractor or the City, the City and the contractor assume no responsibility. (Ord. 51 ? 1(part), 1996.)

Section 5. That section 13.06.040 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

#### 13.6.040 - Service Compulsory - Exceptions

A. All dwellings, apartment houses, and places of business in which garbage or trash accumulates or may be generated within the City shall be required to pay for refuse collection services of the contractor licensed by the City. The City is ~~delegated and~~ authorized to determine the level of service required for the customers and subscribers of the garbage collection services. If any customer requests a certain level of collection service but that customer exceeds the amount of garbage allowed for that level of service, the City shall designate the customer's level of service at the appropriate level, and the customer shall be charged accordingly.

~~B. Notwithstanding paragraph A. above, during the period of time from April 1, 1996 until January 1, 2001, those single-family residences that do not receive garbage collection services on April 1, 1996 from a garbage collection service licensed by the City or regulated by the Washington State Utilities and Transportation Commission, and that do not subsequently subscribe for or receive such services shall be exempt from the compulsory garbage collection services and charges provided for in this Chapter, provided that the exemption shall be conditioned on the continuous, proper and adequate disposal of garbage and refuse from the residence requesting such exemption, which continuous, proper and adequate disposal of garbage and refuse shall be as determined and in the discretion of the City. Thereafter, on January 1, 2001, each such single-family residence shall also be subject of the compulsory garbage collection services and charges unless it is specifically determined by the City that the available garbage collection services are unable to adequately service the residence; provided that at such time thereafter as the City determines that the available garbage collection services are able to adequately service the residence, or that the residence is not continuously, properly or adequately disposing of garbage and refuse, such residence shall be subject of the compulsory garbage collection services and charges provided by this Chapter. (Ord. 51 ? 1(part), 1996.)~~

Section 6. That section 13.06.050 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

#### 13.6.050 - Unlawful Accumulations

A. It is unlawful for any occupant or owner of any building, lot or premises in the City to allow accumulations of garbage in a manner or quantity as to constitute a fire or a health hazard. Any accumulation of refuse which constitutes a fire hazard or a menace to public health, safety or welfare is deemed a nuisance. It is the duty of the occupant, owner and person(s) who placed the accumulation at such location to abate the nuisance by removing the accumulation and cleaning the area up.

B. The City shall enforce the provisions hereof. If any occupant, owner or responsible person fails to abate such nuisance, upon a report or request for action filed by the City Manager or designee, the City Council may pass a Resolution requiring such occupant, owner or responsible person to abate the nuisance by removal thereof, at such person's cost and expense within the time specified in the

Resolution. If the nuisance is not abated within such time, the City Manager or designee may direct abatement of the same as set forth herein below.

C. The Resolution of the City Council referred to above shall not be passed until the property owner is given at least five (5) days' notice of the pendency of the proposed Resolution; such notice being given by the City Manager or designee, by mailing a copy of the notice to the owner, occupant or responsible party at the last known address shown on the records of the City or the county treasurer; and if no address is known, a copy of the notice shall be posted on the property, and shall also be published in one issue of the official newspaper of the City. Any mailing, posting or publication shall be made at least five (5) days prior to the consideration by the City Council of the proposed Resolution. The notice shall include a description of the Resolution, a description of the property involved and the nature of the circumstances constituting the nuisance.

D. If the nuisance is not abated by the occupant, owner or responsible person within the time fixed by the Resolution, the City Manager or designee may abate the nuisance, and shall prepare or cause to be prepared a bill covering the costs to the City of such abatement, and the bill shall be mailed or presented to the occupant, owner or responsible person. The bill shall be payable immediately. If the bill is not paid or if no bill can be mailed because no address is known for the occupant, owner or responsible person, the City Manager or designee may, on behalf of the City of Lakewood, file a lien therefor against the property, which lien shall be in the same form filed with the same officer and within the same time and manner and shall be subject to enforcement and foreclosure as provided by law for liens for labor and materials or as otherwise provided by law for liens able to be filed by the City. (Ord. 51 ? 1(part), 1996.)

Section 7. That section 13.06.070 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

#### 13.6.070 - Residential Collection - Method and Frequency

A. Cans, containers or carts as defined in this chapter shall be deemed to be acceptable refuse containers in residential areas. No employee for a contractor may remove or cause to be removed from any premises any refuse which is not so contained, except as otherwise provided in this Section.

B. The separation of garbage and trash shall not be required.

C. The contractor shall offer weekly, every other week or monthly refuse collection service. Recyclables will be picked up every other week except as otherwise provided for in this section. ~~collect once each week, from each dwelling unit in the City.~~

D. All curb and alley service customers shall place the refuse at the curb or edge of the street or alley in front of or adjacent to the property being serviced not later than 6:00 a.m. on the day of collection, and shall thereafter remove the refuse containers from the curb or edge of street or alley on the same day of the collection. Provided, however, that whether the service be at the curb or edge of street or in the alley, the house numbers or address shall be visible.

E. Trimmings and limbs shall be collected if they are less than four inches in diameter and tied at each end in bundles not to exceed four feet in length and forty pounds in weight. Trimmings and limbs may be boxed in boxes strong enough to hold the contents if they do not weigh more than forty pounds. Provided that an additional charge will be required for this service as set forth in Sections 13.06.150 and 13.06.160 of this Chapter under Yardwaste. Additionally, Leaves and lawn clippings shall be collected if they are placed in refuse containers, boxes or plastic bags strong enough to hold the contents and not weighing more than forty pounds and set out at the curblin e or for trash collection. Provided that an additional charge will be required for this service as set forth in Sections 13.06.150 and 13.06.160 of this Chapter under Yardwaste. (Ord. 51 ? 1(part), 1996.)

Section 8. That section 13.06.080 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

#### 13.6.080 - Automated Services

In those areas of the City where automated services are available, the customers and residents shall be provided garbage carts ~~receptacles~~ by the licensed contractor, which carts ~~receptacles~~ shall remain the property of the contractor. Where the contractor provides automated service through an approved mechanical loading device, and automated carts, they shall be used by customers in residential areas. It shall be the responsibility of the customers or residents to place the carts ~~receptacles~~ at the curb or edge of the street or alley in front of or adjacent to the property being serviced not later than 6:00 a.m. on the day of collection, and shall thereafter remove the carts ~~receptacles~~ from the curb or edge of street or alley on the same day of the collection. Provided, however, that the house numbers or address shall be visible. (Ord. 51 ? 1(part), 1996.)

Section 9. That section 13.06.090 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

#### 13.6.090 - Residential Collection - Types of Services

A. Curb Service. Customers shall be responsible for placing refuse containers or recycling carts ~~receptacles~~ for automated service at the front curblin e or at the edge of the street or alley in front of or adjacent to the property being serviced on collection days.

B. Walk-in Service. Walk-in service which requires the refuse collector to go more than five feet beyond the curblin e or edge of the street or alley is available to property for an additional charge as provided in Section 13.06.170 Paragraph E, provided that the contractor shall not be required to enter a fenced area to collect refuse. The limitations and charges for walk-in service listed in this Chapter shall not apply if the customer is disabled so as to make it impossible for him/her to comply with this Section.

C. Drive-in Service. Drive-in service requires the contractor to drive off of public right-of-ways, onto driveways or other private property to collect refuse. There shall be an additional charge for this service as provided in Section 13.06.170 Paragraph E, provided that the contractor shall not be required to enter a fenced area to collect refuse. The limitations and charges for drive-in service listed in this Chapter shall not apply if the customer is disabled so as to make it impossible for him/her to comply with this Section.

D. Nonconforming Items. Nonconforming items as defined in this Chapter placed out to the curb or edge of the street or alley shall not be collected by the contractor except as provided in Paragraph H of Section 13.06.170.

E. Containerized Service. Containerized service shall be used by all multiple-dwelling units with three or more units.

F. Automated Service. Automated service shall be used in all residential areas where automated carts are provided by the contractor. (Ord. 51 ? 1(part), 1996.)

Section 10. That section 13.06.110 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

#### 13.6.110 - Additional Services

In addition to regular garbage collection services, the contractor shall provide the following services:

A. Recycling services. ~~Co-mingled R~~ecycling services shall be available to residential customers of the City, with the collection of recycle materials occurring curbside and in a matter compatible with the collection for regular garbage collection. ~~Co-mingled R~~ecycling collection shall involve collection of newspapers, cardboard, magazines, mail, mixed paper, catalogs, tin and aluminum cans, milk jugs and plastic bottles with necks smaller than their bases, paper milk-type cartons, phone books, shredded paper, paper bags, cereal boxes, and paper frozen food boxes. ~~The co-mingled recycling cart shall be provided to the customer by the contractor and shall remain the property of the contractor, as well as mixed cans and glass (brown, green and clear), with the customers separating such recycle materials into approved containers identifying the recycle materials.~~In connection with co-mingled recycling services, the following shall apply:

1. Co-mingled recycling services will not include the following materials: glass jars or containers, ceramics, Styrofoam peanuts, glassware, batteries, aerosol cans, toxic containers such as oil bottles, plastic tubs, plastic lids, foil, plastic bags, light bulbs, potato chip bags, plastic cups, Styrofoam containers, frozen food bags, pill bottles, juices boxes, clothes hangers, or any food contaminated items such as paper plates, napkins or pizza boxes.

2. Single family and multi-family residential units up to five units.~~Co-mingled R~~ecycling services for single family and multi-family residential units up to five units shall be provided every other week collection service at the same time and date ~~as regular garbage collection services, provided that the recycling collection shall occur every other week throughout the year.~~

3. Multi-family residential units from six to twenty units.~~Co-mingled R~~ecycling services for multi-family residential units ~~from with six or more to twenty~~ units shall be provided on a weekly basis or as needed. Multi-family residential units with six or more units that have garbage collection by a container, drop box or compactor of one (1) yard or greater in capacity shall be charged per dwelling unit at the multi-family rate set forth in section 13.06.150.

~~Multi-family residential units in excess of twenty units. Recycling services for multi-family residential units in excess of twenty units shall be available by bins being stationed on site or in a vicinity convenient to the residential units for periods of twenty-four hours to seventy-two hours to allow the residents to deposit recycle materials in the bins. Collection shall occur weekly or more often if needed multiple bins or stations shall be provided for larger complexes or heavier participation.~~

4. The charges for recycling shall be as set forth in this Chapter below. The rates for recycling services will not be charged unless service is provided.

B. Yardwaste services. The collection of yardwaste shall be available for residential properties within the City. Yardwaste services shall be subject to the following:

Yardwaste includes materials which consist of leaves, brush, tree trimmings, grass clippings, weeds, shrubs, garden waste from vegetable gardens, and other compostable organic materials resulting from landscaping, pruning and yard maintenance generated from residents. Branches or roots must be smaller than 4" in diameter branches and brush must be of a length to fit in the closed yardwaste container.

Yardwaste does not include stumps, demolition wood, large amounts of dirt, rocks, glass, plastics, metal, concrete, sheetrock, asphalt or any other non-organic land clearing debris nor any food such as meat, fish, bones, or fatty foods such as dairy products and cooking oil. If yardwaste is found to contain contamination by inclusion of materials not allowed, the container will not be accepted as yardwaste, but will, instead, be transported to the landfill at applicable solid waste collection rates as provided in the Chapter.

Yardwaste shall be picked up every other week on a year-round basis on the same days as regular garbage collection.

C. The contractor shall provide 90 gallon yardwaste containers.

D. Extra cans or units of yardwaste may be picked up by customers of the yardwaste services, but the extra cans or units may not exceed 40 pounds per unit. (Ord. 51 ? 1(part), 1996.)

Section 11. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 12. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 18th day of January, 2005.

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Douglas G. Richardson, Mayor

Attest:

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Alice Bush, CMC, City Clerk

Approved as to form:

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Heidi Ann Wachter, City Attorney